

1/22/05



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| APPLICATION NUMBER | RECEIPT OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|---|--|-----------------------|------------------------|
| 10/828,975 23483 WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109 | 04/21/2004 FEB 18 2005 PATENT & TRADEMARK OFFICE | Dejian Ren | 110313.136US |

CONFIRMATION NO. 9673 FORMALITIES LETTER



OC000000013286992

Date Mailed: 07/21/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

02/23/2005 DTESEM1 00000070 080219 10828975

01 FC:2202 975.00 DA
 02 FC:2201 3200.00 DA

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$5892** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$5892** for a Large Entity

- Total additional claim fee(s) for this application is **\$5892**

- **\$3010** for **35** independent claims over **3**.
- **\$2592** for **144** total claims over **20**.
- **\$290** for multiple dependent claim surcharge.

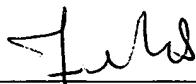
Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- does not state whether the inventor is a sole or joint inventor.
- does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

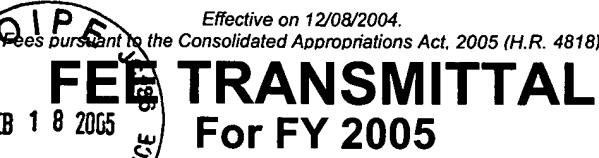


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|--|---|--|
|  FEB 18 2005 | | Effective on 12/08/2004. <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i> | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Complete if Known | |
| TOTAL AMOUNT OF PAYMENT (\$) | | 10/828,975 April 21, 2004 Ren et al. Not Yet Assigned 1645 110313.136US2 | |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 08-0219 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
|-------------------------|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|-----------------------|
| | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fees Paid (\$) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | Small Entity | Fee (\$) |
|----------------------|--|-----------------|----------------------|----------------------------------|---------------------|----------------------|
| | | | | | | |
| 59 | - 20 or HP = | 39 | x 25.00 = | 975.00 | | 50 |
| | HP = highest number of total claims paid for, if greater than 20. | | | | 25 | |
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | | Fee (\$) | Fee Paid (\$) |
| 35 | - 3 or HP = | 32 | x 100 = | 3,200.00 | | 200 |
| | HP = highest number of independent claims paid for, if greater than 3. | | | | 100 | |
| | | | | | 360 | 180 |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|---------------------|---|-----------------|----------------------|
| - 100 = | | / 50 = (round up to a whole number) x | | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Five Months' Extension of Time**Fees Paid (\$)**

1,080.00

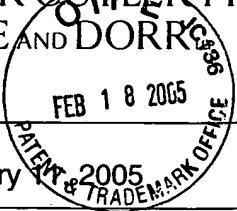
SUBMITTED BY

| | | | |
|--------------------------|---|--|-------------------------------|
| Signature |  | Registration No. (Attorney/Agent) 51,726 | Telephone 617-526-6000 |
| Name (Print/Type) | Lisa N. Geller, Ph.D. | | Date February 18, 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

WILMER CUTLER PICKERING
HALE AND DORR



FACSIMILE

DATE

February 18, 2005

TO

U.S. Patent and Trademark Office
Assignment Branch

FAX

fax: 703-306-5995
phone: 703-308-9723

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wilmerhale.com

FROM
Valerie Smith
617-526-6000

NUMBER OF PAGES,
INCLUDING COVER
8

RE

Application No. 10/828,975
Our Refs: 110313.136US2

COPY

MESSAGE

Attached please find the following:

1. Recordation Form Cover Sheet (Form PTO-1595);
2. Executed Assignment; and
3. Payment of the \$40.00 recordation fee (see below).

The \$40.00 recordal fee is to be charged to Deposit Account No. 08-0219 (as indicated on Form PTO-1595).

Respectfully submitted,

Lisa N. Geller, Ph.D.
Reg. No. 51,726

Date: February 11, 2005
Wilmer Cutler Pickering
Hale and Dorr LLP
60 State Street
Boston, MA 02109
(617) 526-6564
(617) 526-5000 (Facsimile)

This facsimile transmission is confidential and may be privileged. If you are not the intended recipient, please immediately call the sender or, if the sender is not available, call +617-526-5413 and destroy all copies of this transmission. If the transmission is incomplete or illegible, please call the sender or, if the sender is not available, call + 617-526-5413. Thank you.

BALTIMORE BERLIN BOSTON BRUSSELS LONDON MUNICH
NEW YORK NORTHERN VIRGINIA OXFORD PRINCETON WALTHAM WASHINGTON



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 110313.136US2)

In re Application of: Ren et al.) Examiner: Not Yet Assigned
Serial No.: 10/828,975)
Filed: April 21, 2004)
)

For: SPERM-SPECIFIC CATION CHANNEL, CATSPER2, AND USES THEREFOR

CERTIFICATION OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that the attached papers are being deposited with the United States Postal Service as Express Mail (Label No. EV507049072US) under 37 C.F.R. § 1.10 addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

2/18/05
Date

Brenda L. Robles
Brenda L. Robles

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS
Filed Under 37 C.F.R. 1.53(b)

Dear Sir:

In response to the Notice to File Corrected Application Papers mailed July 21, 2004 in the above-identified application, Applicants submit the following documents for filing:

1. Copy of the Notice to File Corrected Application Papers mailed July 21, 2004;
2. Request for Extension of Time (37 CFR 1.136(a));
3. Payment of \$1,080.00 Extension Fee (*deposit account authorization on page 2*);
4. Abstract of the Disclosure (in compliance with 37 CFR 1.72(b));
5. Statement Under 37 C.F.R. § 1.821(f);
6. Diskette copy of substitute Sequence Listing;
7. Written copy of substitute Sequence Listing;
8. Preliminary Amendment;

Response to Notice to File Corrected Application Papers
Application No. 10/828,975
Page 2

9. Payment of \$3,200.00 Excess Independent Claims Fee (*deposit account authorization below*);
10. Payment of \$975.00 Excess Total Claims Fee (*deposit account authorization below*);
11. Fee Calculation Sheet (Form PTO/SB/17);
12. Declaration of the Inventors:
 - a) Declaration executed by Dejian Ren;
 - b) Declaration executed by David E. Clapham;
 - c) Declaration executed by David L. Garbers;
 - d) Declaration executed by Timothy A. Quill;
13. Copy of Request for Recordation of Assignment from Inventors David L. Garbers and Timothy A. Quill to Board of Regents, The University of Texas System, filed via facsimile on February 11, 2005;
14. Election Under 37 C.F.R. §§ 3.71 and 3.73 and Power of Attorney executed by Assignee Board of Regents, The University of Texas System
15. Copy of Request for Recordation of Assignment from Inventors Dejian Ren and David E. Clapham to Children's Medical Center Corporation, filed via facsimile on February 11, 2005;
16. Election Under 37 C.F.R. §§ 3.71 and 3.73 and Power of Attorney executed by Assignee Children's Medical Center Corporation;
17. Certificate of Express Mailing; and
18. Return postcard.

This application is entitled to small entity status.

The enclosed Preliminary Amendment reduces the number of total claims over 20 from 144 to 59. Applicants have calculated the claims fees due according to the claims as amended.

The fees identified in item numbers 3, 9 and 10 of this Response are to be charged to Deposit Account No. 08-0219. Please also charge any additional fees that might be due to Deposit Account No. 08-0219.

Response to Notice to File Corrected Application Papers
Application No. 10/828,975
Page 3

If there are any questions, please call the undersigned at the telephone number indicated below.

Date: February 18, 2005
60 State Street
Boston, MA 02109
Tel. (617) 526-6000
Fax. (617) 526-5000

Respectfully submitted,
WILMER CUTLER PICKERING
HALE AND DORR LLP



Lisa N. Geller, Ph.D.
Reg. No. 51,726